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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/531,800

04/18/2005

Herman Jan Ter Horst

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PARK, JEONG S

ART UNIT

PAPER NUMBER

2154

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,800	Applicant(s) TER HORST ET AL.	
	Examiner Jeong S. Park	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/18/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/18/2005, 11/17/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

Reference character "308" in figure 3 has been used to designate both Internet and computer readable code.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because:

They include the following reference character(s) not mentioned in the description: reference character 308 for the cloud in figure 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because:

"Software Bus", reference character 310, described in the specification was not included in the drawing figure 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

The specification does not include any necessary headings such as "Background", "Brief Summary", "Description of Drawings" and so on.

Appropriate correction is required.

Claim Objections

5. Claims 1-12 are objected to because of the following informalities:

In claim 1, line 5, the word "query" should be corrected as --the query-- for clear understanding of the claim;

In claim 2, line 1, the phrase "method of presenting media content to a user or group of users" should be corrected as --the method of presenting the media content to the user or group of users-- for clear understanding of the claim. Similar correction should be made for claims 3-12, line 1;

In claim 6, line 5, the phrase "possible event" should be corrected as --the possible event-- for clear understanding of the claim; and

In claim 9, line 4, the word "the internet" should be corrected as --the Internet--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the mathematical relations" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 14 is drawn towards a computer program product. The computer program product is not in one of the statutory categories because the computer program product was not described in a tangible structure. Therefore, the computer program product is just an abstract idea. The specification provides no explicit and deliberate definition of the computer program product.

Claim 15 is drawn towards an information carrier. The information carrier is not in one of the statutory categories because the information carrier was not described in a tangible structure. Therefore, the information carrier is just an abstract idea. The specification provides no explicit and deliberate definition of the information carrier.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-7 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel et al. (hereinafter Siegel)(U.S. Pub. No. 2002/0002483 A1) in view of Rhodes et al. (hereinafter Rhodes)(U.S. Patent No. 6,236,768 B1).

Regarding claims 1 and 13-16, Siegel teaches as follows:

Method of presenting media content (media files or audio files) to a user or group of users, wherein the media content resides on a storage system (media source, 230 in figure 1, see, e.g., page 2, paragraph [0024], lines 1-3) and the method comprises the steps of (a method and an apparatus is providing for selected media files to a user over a packet-switched network, see, e.g., abstract, lines 1-4);

Defining a query to retrieve the media content (users can rank their interest in each predefined category, see, e.g., page 2, paragraph [0035], lines 18-25)

Retrieve the queried media content (customized selection of audio programs) from the storage system (content provider which is the same as the media source 230 in figure 1)(individuals receive a customized selection of audio programs from a content provider, see, e.g., page 2, paragraph [0022], lines 1-3); and

Presenting (graphic display 427 and speaker 425A and B in figure 4, see, e.g., page 5, paragraph [0043], lines 25-28) the queried media content (customized selection of audio programs) to the user or group of users (individuals receive a customized selection of audio programs from a content provider, see, e.g., page 2, paragraph [0022], lines 1-3).

Siegel does not teach that the query is appropriate for the user's situation by using context information.

Rhodes teaches as follows:

Documents stored in a database are searched for relevance to contextual information (see, e.g., abstract);

The context for assessing relevance is not what the user is typing, but can be any kind of information about the user's current situation (see, e.g., col. 6, lines 33-38); and

A platform includes one or more sensors for gathering environmental or physical information, which are the same as the user's situation information (see, e.g., col. 9, lines 35-44).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Siegel to include context information for search query as taught by Rhodes in order to use environmental search vectors addition to what users typed for more relevant search results.

Regarding claim 2, Siegel teaches as follows:

Host server (200 in figure 1) includes address data base (260 in figure 2), declared profile database (265 in figure 2), and behavior profile database (270 in figure 2), wherein the behavior profile is interpreted as the context-dependent user profile (the behavior profile database maintains a history of the user's habit or preference, see, e.g., page 3, paragraph [0036], lines 1-3).

Siegel does not teach the context information with sensor data.

Rhodes teaches as follows:

The context information comprises at least one of sensor data about at least one person present, sensor data about at least one object present (one or more sensors for gathering environmental or physical information, see, e.g., col. 9, lines 35-44).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Siegel to include sensor data as the context information for search query as taught by Rhodes in order to use environmental search vectors addition to what users typed for more relevant search results.

Regarding claims 3 and 5, Siegel teaches all the claim limitations except for the context information comprising with a combination of events describing at least one of information about space, time, who or what, a physical event, a content event, a people event, and an input event.

Rhodes teaches as follows:

The context information is any kind of information about the user's current situation including the user's current location (space), the time of day, the subject being discussed and person being talked to (see, e.g., col. 6, lines 33-38); and

One or more sensors gather environmental or physical information (see, e.g., col. 9, lines 35-44).

It would have been obvious for one of ordinary skill in the art at the time of the invention with the same motivation as explained above.

Regarding claims 4 and 10, Siegel teaches as follows:

Profile builder (280 in figure 2), included in the host server (central server), ranks the media files stored in the media source to present to users based on the query performed by the users (see, e.g., page 5, paragraph [0048], lines 1-9).

Siegel does not teach that showing a mathematical relation between the events.

Rhodes teaches as follows:

Remembrance Agent (RA) is a computer program that watches what a user is typing in a word processor and displays a list of document relevant to the document currently being written or read (see, e.g., col. 1, lines 34-40); and

RA uses some mathematical relation to search the relevant document based on the indexed word in the document vector (see, e.g., col. 3, lines 10-26).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Siegel to include mathematical relation used in Remembrance Agent between the indexed words as taught by Rhodes in order to match efficiently the relevant search results based on the mathematical relationship between the events.

Regarding claims 6 and 11, Siegel and Rhodes teach all the limitations of claims 1 and 2 as explained above.

Siegel also teaches as follows:

The step of applying the at least one profile rule to the context information which includes the given event, in order to determine the possible event and the step of applying a query creation strategy to determine the at least one profile rule to apply (query creation strategy and profile rule inherently exist on the profile builder. The profile

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builder, 280 in figure 2, employ a number of techniques to rank the media files based on the data in the behavior profile database, see, e.g., page 4, paragraph [0038], lines 1-3).

Regarding claim 7, Siegel and Rhodes teach all the claim limitations as explained above except for using rating value and the user who give the rating value.

Siegel also teaches as follows:

The content provider provides the customized service by maintaining a profile of each user. Therefore, each individual can experience a unique audio session most appropriate for him or her (see, e.g., page 2, paragraph [0022], lines 5-8).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Siegel and Rhodes to include rating value as one of the profile items and the user who give the rating value in order to assign different rating value per each user when users sharing the same system are in different ages.

Regarding claim 9, Siegel and Rhodes teach all the claim limitations as explained above except for storing different users' profile on different places.

Siegel also teaches as follows:

Host server (200 in figure 1 and 2) is a computer system that provides audio streams over the Internet (see, e.g., page 3, paragraph [0028], lines 1-2); and

User profile database is stored in the Host server (see, e.g., page 3, paragraph [0033], and figure 2).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Siegel and Rhodes to include multiple different places for each

user's profile in order to provide the same service for mobile users which have own home location register.

Regarding claim 12, Siegel teaches as follows:

The step of retrieving the queried media content by means of collaborative filtering (profile builder employ any of a number of techniques (collaborative filtering) to rank the media files based on the data in the behavior profile database, see, e.g., page 4, paragraph [0038], lines 1-14).

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siegel et al. (hereinafter Siegel)(U.S. Pub. No. 2002/0002483 A1) and Rhodes et al. (hereinafter Rhodes)(U.S. Patent No. 6,236,768 B1), and further in view of Sheth et al. (hereinafter Sheth)(U.S. Patent No. 6,311,194 B1).

Regarding claim 8, Siegel and Rhodes teach all the claim limitations as explained above except for using a Semantic Web language to represent information.

Sheth teaches as follows:

A system and a method for creating a database of metadata of a variety of digital media content, data sets, including TV and radio content delivered on Internet (see, e.g., col. 4, lines 54-57); and

The WorldModel forms the basis of implementing a Semantic Web as well as for developing methods to support applications of Semantic Web (see, e.g., col. 5, lines 17-19).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Siegel and Rhodes to include Semantic Web language to represent

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information as taught by Sheth in order to find, share and integrate information more easily.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-1597. The examiner can normally be reached on Monday through Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272--1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JP
May 25, 2007



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